

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY \_\_\_\_\_ D.C.  
05 JUL 28 PM 1:14  
CLERK U.S. DISTRICT COURT  
W.D. OF TN. JACKSON

HOWARD RUSSELL SCALES,

Plaintiff,

VS.

CHARLES TRAUGHBER, et al.,

Defendants.

No. 1-04-1312-T-An

## ORDER DENYING DEFENDANTS' MOTION TO DISMISS AS MOOT

Plaintiff Howard Russell Scales, inmate number 109183 at the Northwest Correctional Complex in Tiptonville, Tennessee, brought this action pursuant to 42 U.S.C. § 1983, alleging that his due process rights were violated during his parole hearing on August 2, 2004. Defendants filed this motion to dismiss under Fed. R. Civ. 12(b)(6). However, since the motion was filed, Plaintiff has dismissed his claim against Defendants because he was granted parole. Consequently, Defendants' motion to dismiss is DENIED as moot.

IT IS SO ORDERED.

James D. Todd  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE  
28 July 2005  
DATE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 1:04-CV-01312 was distributed by fax, mail, or direct printing on July 29, 2005 to the parties listed.

---

Howard Russell Scales  
Northwest Correctional Facility  
109183  
960 State Route 212  
Tiptonville, TN 38079

Bradley W. Flippen  
OFFICE OF ATTORNEY GENERAL  
P.O. BOX 20207  
NASHVILLE, TN 37202

Honorable James Todd  
US DISTRICT COURT